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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,731	03/22/2005	Mirko Appel	2002P15759WOUS	8587

7590 10/02/2006
Siemens Corporation
Intellectual Property Departement
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

LABBEES, EDNY

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/528,731	Applicant(s) APPEL ET AL.	
	Examiner Edny Labbees	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/22/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12, 16-18, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by MANN et al. (WO 99/06974).

Regarding Claim 12, MANN discloses *System And Method For Robbery Prevention* that has the following claimed limitations:

Claimed acquiring a human physiological reaction is met by access control system (100) comprising a biometric sensor (104) for capturing biometric data reflecting stable physical characteristics corresponding to a physical characteristic of a person. In addition MANN also discloses an affective sensor (106) that collect real time body vital sign measurements of a person (see page 3 lines 19-24, page 4 lines 1-3); claimed perception and/or sight is analysed to determine the condition of the portion of the technical installation is met by the robbery deterrent system (100) of MANN where a biometric sensor (104) captures real time data corresponding to a stable physical characteristic of a person, such of features of the iris of the eye and eye retinal pattern (see page 6 lines 1-4). In addition, the affective sensor (106) measures the vital signs of the person, such as an optical response (see page 3 lines 23-24, page 4 lines 1-2).

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Furthermore, if the individual's stable biometric characteristics do not match those of an authorized individual, the individual experiencing fear or stress and access to the secured are is prevented (see page 5, lines 10-16).

Regarding Claim 16, MANN discloses a system comprising an electronic storage site (102) where data corresponding to the biometric sensor (104) and affective sensor (106) is stored (see page 3 lines 8-18 and page 4 lines 4-7).

Regarding Claim 17, MANN discloses a system comprising a encoder (108) connected to a biometric sensor (104), effective sensor (106) and a comparator (110). Comparator (110) determines a degree of correspondence between the captured real time body response detected by the effective sensor (106) and the stored physiological responses in electronic storage (102) (see page 4 lines 12-25). If the physiological measurement fails to achieve predetermined degree of correspondence with stored data for that person, access is denied. If physiological response measurement does meet a predetermined degree of correspondence with stored data for that person, access to a controlled, space or area is granted (see page 6 lines 1-24).

Regarding Claim 18, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 21, the claim is interpreted and rejected as claim 16 stated above.

Regarding Claim 22, the claim is interpreted and rejected as claim 17 stated above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over MANN et al.

Regarding Claim 13, MANN discloses a system where the biometric sensor (104) and affective sensor (106) measures the vital signs of a person, such pulse rate, blood pressure, blood volume pulse, respiration rate or optical response. The affective sensor (106) may also incorporate a galvanic skin response sensor, or an electromyogram sensor (see page 3 lines 19-24 and page 4 lines 1-3). MANN does not disclose human physiological reaction including a neuritic current, pulse strength or breathing patterns. However, as long as the system disclosed by MANN performs its desired functionality, it would have been obvious to one of ordinary skill in the art to include the aforementioned claimed sensors in addition to the aforementioned sensors disclosed by MANN.

Regarding Claim 19, the claim is interpreted and rejected as claim 13 as stated above.

5. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over MANN et al. in view of Galiana et al. (US 6,091,334).

Regarding Claim 14, MANN discloses a Robbery deterrent system (100) comprising a biometric sensor (104) and an affective sensor (106) to determine body vital measurements, such optical response (see page 3 lines 19-24 and page 4 lines 1-2). MANN does not specifically disclose changes in human's direction of sight. However, Galianna discloses *Drowsiness/Alertness Monitor* that teaches a system for monitoring motion of one or both eyes of a subject, deriving at least one physiological indicator, where the physiological indicator is selected from the group of gaze stability, saccade speed, saccade frequency, blink duration (see Col. 1 Ins 25-42 and Col. 2 Ins 16-48). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Galianna into the system of MANN to indicate a physiological reaction/reaction/condition based on motion of the eye or eyes.

Regarding Claim 20, the claim is interpreted and rejected as claim 14 stated above.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over MANN et al. in view of Andersen et al. (US 5,745,034).

Regarding Claim 15, MANN discloses a system to measure the physiological reaction of an individual, but does not disclose a system where the human is equipped with a sensor device to acquire the human's physiological reaction. Andersen discloses *Providing An Alarm In Response To A Determination That A Person May Have Suddenly Experienced Fear* that teaches a physiological-condition monitoring system (10) that includes probes for attachment to a person for use in measuring such

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conditions, such as pulse rate, skin conductivity and respiration (See Col. 4 Ins 13-37). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Andersen into the system of MANN to provide a physiological condition monitoring system (10) as an alternative to the to measure the physiological reaction and also provides the advantage of concealment.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blazey et al. *Management Of Physiological And...* (US 6,309,342)

Surve et al. *Management Of Physiological And...* (US 6,520,905)

Moore et al. *Physiomagnetometric Inspection And Surveillance System...*(US 2003/0133597)

McBain, *Anti-Terrorist Aircraft Pilot Sensor System And Method*, (US 6,810,310)

Ball et al. *Bio-Alarm Security System*, (US 4,100,536)

Pavlidis, *Detection System And Method Using Thermal Image Analysis*, (US 6,996,256)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

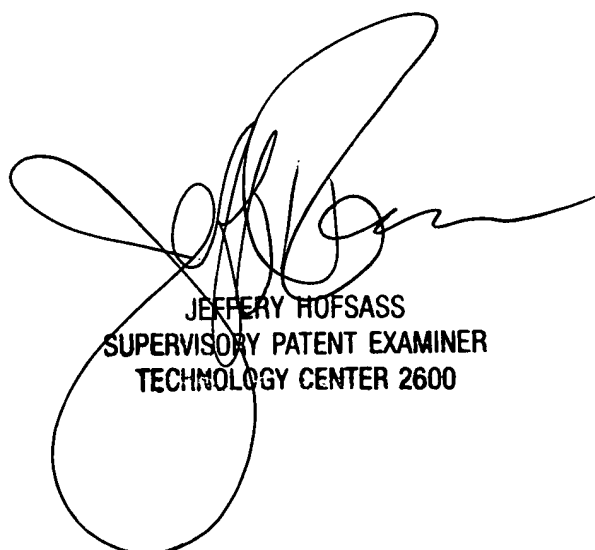
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees

9/25/2006



JEFFERY HOFSSASS
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